

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 2365-23

PREUILH et al.

C# M#

Serial No. 09/709,477

TC/A.U.

1617

Filed: November 13, 2000

Examiner: Mitchell, Gregory

Date: October 5, 2004

Title: FOAMING COMPOSITION FOR HAIR CARE

**Mail Stop Petitions**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF OCTOBER 4, 2004, DUE TO NON-RECEIPT OF OFFICE ACTION DATED NOVEMBER 25, 2003

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☒ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 88.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$300.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this
paper and attachment(s) (\$110.00/1 month; \$430.00/2 months; \$980.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$790.00) \$ 0.00

☐ Please enter the previously unentered, filed

☐ Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

1100 North Glebe Road, 8th Floor
Arlington, Virginia 22201-4714
Telephone: (703) 816-4000
Facsimile: (703) 816-4100
BJS:

NIXON & VANDERHYE P.C.
By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: 



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

PREUILH et al.

Atty. Ref.: 2365-23; Confirmation No. 4547

Appl. No. 09/709,477

TC/A.U. 1617

Filed: November 13, 2000

Examiner: Mitchell, Gregory

For: FOAMING COMPOSITION FOR HAIR CARE

* * * * *

October 5, 2004

Mail Stop Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF OCTOBER 4, 2004,
DUE TO NON-RECEIPT OF OFFICE ACTION DATED NOVEMBER 25, 2003**

The present paper and attached docket sheet are being filed pursuant to the procedures described in MPEP § 711.03(c)(I.)(A.). The Office is requested to withdraw the holding of abandonment mailed October 4, 2004 as the Office Action allegedly mailed November 25, 2003 (see, attached copy of Notice of Abandonment mailed October 4, 2004) was not received by the undersigned. Attached is a copy of the undersigned's docket sheet from February 25, 2004, where a three month action mailed November 25, 2004, would have been docketed, as evidence of non-receipt of the Office Action indicated by the Examiner to have been mailed November 25, 2003. This evidence presumes the Office Action allegedly mailed November 25, 2003, had a three

PREUILH et al.

Appl. No. 09/709,477

October 5, 2004

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF OCTOBER 4, 2004,
DUE TO NON-RECEIPT OF OFFICE ACTION DATED NOVEMBER 25, 2003**

month due date. Further evidence can be submitted as may be required by the Office if the Office Action had a different due date.

Upon receipt of the attached Notice of Abandonment on October 5, 2004, the undersigned spoke with the Examiner's Supervisor, Examiner Padmanabhan, by telephone and was advised that the Examiner's Supervisor would discuss the case with the Examiner and that the Examiner would contact the undersigned. The undersigned is also filing the present paper to promptly address the issue of abandonment, as suggested in the attached Notice of Abandonment.

Withdrawal of the Notice of Abandonment and a copy of the Office Action allegedly mailed November 25, 2003, are requested with the date for responding to the Office Action re-set from the new mailing date.

The Office is authorized by the attached transmittal sheet to charge the undersigned's Deposit Account for any missing or deficient fees required for consideration of the present paper.

The present paper is addressed to Mail Stop Petitions as the above-noted MPEP Section refers to this paper as a Petition. The Office is requested to direct the present paper to the appropriate party in the Office if other than the Petitions Office.

PREUILH et al.

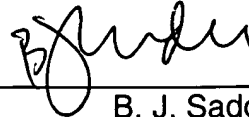
Appl. No. 09/709,477

October 5, 2004

**REQUEST TO WITHDRAW HOLDING OF ABANDONMENT OF OCTOBER 4, 2004,
DUE TO NON-RECEIPT OF OFFICE ACTION DATED NOVEMBER 25, 2003**

NIXON & VANDERHYE P.C.

By: _____



B. J. Sadoff
Reg. No. 36,663

BJS:

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Telephone: (703) 816-4000

Facsimile: (703) 816-4100

Nixon & Vanderhye P.C.
Attorney Name: B. J. Sadoff

Daily Docket List:

02/24/2004

y^B

Due Date	Dkt. No	PATENT Action Description	Action Notes 1st Inventor	Appln.No./	Cty	Atty
02/25/2004	1090-0036	Office Action Received? rm ms	TAYLOR-PAPADIMTRIOU, Joyce	09/645,446	US	BJS
02/25/2004	2551-0117	Office Action Received? rm ms.	MAERTENS, Geert.	09/873,224	US	BJS
02/25/2004	2818-0141	IDS Filed? rm ms	De Santis, Rita	10/372,719	US	BJS

BJS

2/24/04

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2365-23



OCT 05 2004
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/709,477	11/13/2000	Isabelle Preuilh	2365-23	4547

7590 10/04/2004

Nixon & Vanderhye P C
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EXAMINER

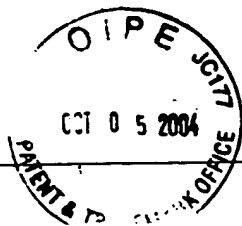
MITCHELL, GREGORY W

ART UNIT	PAPER NUMBER
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1617

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



Notice of Abandonment

Application No.

09/709,477

Examiner

Gregory W Mitchell

Applicant(s)

PREUILH ET AL.

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 25 November 2003.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

SREENI PADMANABHAN
SUPERVISORY PATENT EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.